

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TONY L. MUTSCHLER,

Petitioner,

v.

WARDEN of SCI-LAUREL
HIGHLANDS,

Respondent.

No. 4:23-CV-00981

(Chief Judge Brann)

ORDER

AND NOW, this 21st day of March 2024, in accordance with the
accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Petitioner Tony L. Mutschler's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** without prejudice to Mutschler's right to refile his petition following proper exhaustion of state remedies.
2. A certificate of appealability shall not issue, as Mutschler has not made a substantial showing of the denial of a constitutional right, *see* 28 U.S.C. § 2253(c)(2), or that "jurists of reason would find it debatable" whether this Court's procedural ruling is correct, *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).
3. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge